

**SCHAPIRO DECLARATION  
EXHIBITS CONTINUED**

## **Schapiro Exhibit 13**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY	)	
PARTNERS, COUNTRY MUSIC	)	
TELEVISION, INC., PARAMOUNT	)	
PICTURES CORPORATION, and BLACK	)	
ENTERTAINMENT TELEVISION LLC,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 1:07CV02103
	)	
YOUTUBE, INC., YOUTUBE, LLC,	)	
and GOOGLE, INC.,	)	
	)	
Defendants.	)	
	)	
THE FOOTBALL ASSOCIATION PREMIER	)	
LEAGUE LIMITED, BOURNE CO., et al.,	)	
on behalf of themselves and all	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 07CV3582
	)	
YOUTUBE, INC., YOUTUBE, LLC, and	)	
GOOGLE, INC.,	)	
	)	
Defendants.	)	
	)	

DEPOSITION OF MICHELE GANELESS  
NEW YORK, NEW YORK  
MONDAY, NOVEMBER 3, 2008

Novemeber 3, 2008

9:49 a.m.

VIDEOTAPED DEPOSITION OF MICHELE  
GANELESS, held at the offices of Wilson  
Sonsini Goodrich & Rosati, LLP, 1301  
Avenue of the Americas, New York,  
New York, pursuant to notice, before Erica  
L. Ruggieri, Registered Professional  
Reporter and Notary Public of the State of  
New York.

A P P E A R A N C E S

FOR THE LEAD PLAINTIFFS AND PROSPECTIVE  
CLASS:

JENNER & BLOCK, LLP  
BY: SUSAN J. KOHLMANN, ESQ.  
919 Third Avenue  
New York, New York 10022  
(212) 891-1690  
Skohlmann@jenner.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE,  
LLC and GOOGLE, INC.:

FOR THE DEFENDANTS YOUTUBE, INC.,  
YOUTUBE, LLC and GOOGLE, INC.:  
WILSON SONSINI GOODRICH & ROSATI, LLP  
BY: DAVID H. KRAMER, ESQ.  
BART E. VOLKMER, ESQ.  
650 Page Mill Road  
Palo Alto, California 94304  
(650) 565-3508  
Dkramer@wsgr.com  
Bvolkner@wsgr.com

ALSO PRESENT:  
SALLIAN BROWN, Videographer  
MICHELENA HALLIE, MTV Networks

1 M. GANELESS

2 A. Again, I don't really understand  
3 the specifics of the joint venture.

4 Q. What about before the joint  
5 03:12:32 venture was created, is it the case that a  
6 Viacom-owned entity owned the rights to  
7 distribute South Park content online,  
8 prior to the creation of the joint  
9 venture, to your knowledge?

10 03:12:47 MS. KOHLMANN: I object to the  
11 question, to the extent, if I'm  
12 understanding it correctly, you are  
13 suggesting that she testified one way  
14 or the other what happened after the  
15 03:12:57 joint venture was formed.

16 But you can answer.

17 A. To the best of my understanding,  
18 a Viacom or Comedy Central entity owned  
19 the rights to South Park, the TV show, and  
20 03:13:09 how it was distributed on all platforms.

21 Q. And that's prior to the creation  
22 of the joint venture, right?

23 A. That is my understanding. But  
24 you'd have to check with the lawyers.

25 03:13:22 Q. Which lawyer would know?

1 M. GANELESS

2 A. Joella West.

3 Q. To the best of your knowledge,  
4 Ms. Ganeless, have Viacom senior  
5 03:13:41 executives made any public statement with  
6 respect to a correlation between the  
7 traffic to Viacom's online sites and the  
8 removal of content from YouTube in the  
9 February 2007 take-down notice we talked  
10 03:13:56 about?

11 MS. KOHLMANN: I'm sorry, can  
12 you just read that back one more time?

13 (Record read.)

14 A. Yes. I believe they have. I  
15 03:14:23 can't remember specifically when or where,  
16 but I remember comments being made.

17 Q. Aren't you aware that Messrs.  
18 Dooley and Dauman made statements  
19 concerning the correlation between the  
20 03:14:34 traffic to Viacom's online sites and the  
21 removal of content from YouTube in the  
22 February 2007 take-down notice, in  
23 connection with a March 1st, 2007 earnings  
24 call for Viacom?

25 03:14:48 MS. KOHLMANN: Objection.

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M. GANELESS

You can answer.

A. I remember them making comments  
in the press. I can't remember where, but  
03:14:55 it's very likely it was the earnings call.

Q. As you sit here today, do you  
have any recollection of what those  
statements were, correlating traffic to  
the online sites owned by Viacom and the  
03:15:11 removal of content from YouTube?

A. I remember there were increases.  
I can't remember what the numbers were.

Q. You remember that they reported  
that there were increases, right?

03:15:24 A. I remember that the Philippe and  
Tom reported traffic increases, yes.

Q. You remember that they reported  
substantial traffic increases to Viacom's  
online sites, following the removal of  
03:15:36 content from YouTube in February 2007,  
right?

MS. KOHLMANN: Objection as to  
form.

You can answer.

03:15:42 A. I don't remember the specific



1 M. GANELESS

2 numbers, but I do remember them reporting  
3 increases in traffic. But I'd have to  
4 look at the reports to remember the  
5 03:15:52 numbers.

6 Q. I'm not asking you the specific  
7 numbers yet. I'm asking you whether you  
8 recall that they reported substantial  
9 increases in traffic to Viacom's online  
10 03:16:01 sites, following the take-down of content  
11 from YouTube in February 2007.

12 MS. KOHLMANN: Objection as to  
13 form.

14 You can answer.

15 03:16:10 A. I can't remember how big the  
16 gains were, but I do remember gains.

17 Q. You remember that they reported  
18 figures that you believed were inflated,  
19 right?

20 03:16:20 MS. KOHLMANN: Objection.

21 A. It's possible. I don't  
22 remember.

23 Q. You really have no recollection  
24 of whether you believed that Mr. Dooley  
25 03:16:30 overstated the increase in traffic to

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M. GANELESS

Viacom's online sites, following the  
February 2007 take-down?

MS. KOHLMANN: Objection as to

03:16:37 form.

A. I don't remember.

MR. KRAMER: Let's go with that  
as 18.

(Ganeless Exhibit 18, March 1,  
03:18:57 2007 e-mail thread, bearing Bates  
numbers VIA00183316 to 17, marked  
for identification, as of this  
date.)

MR. KRAMER: Before we get  
03:17:12 there, hang onto that for one second.

Q. Do you recall communicating,  
Ms. Ganeless, with anyone about the  
accuracy of statements made by Mr. Dooley  
and Mr. Dauman on the earnings call about  
03:17:27 the increase in traffic to Viacom's online  
sites, following the February 2007  
take-down to YouTube?

MS. KOHLMANN: Objection as to  
form.

03:17:35 You can answer.

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M. GANELESS

A. I am trying to remember that,  
but I do not remember right now.

Q. Okay. Let's go with Exhibit 18.

03:17:55 MS. KOHLMANN: Do you have other  
copies of that?

MR. KRAMER: Did I not give it  
to you?

MS. KOHLMANN: Thanks.

03:18:03 Q. Ms. Ganeless, if Mr. Dooley or  
Mr. Dauman made a misrepresentation of  
fact on an earnings call, that would have  
been a big deal, wouldn't it?

MS. KOHLMANN: Objection.

03:18:25 A. I'm sorry, I'm just reading.  
Can you restate the question.

Q. Yeah. If Mr. Dooley or  
Mr. Dauman made a misrepresentation of  
fact on an earnings call, could that have  
03:18:42 been a big deal to you?

MS. KOHLMANN: Objection.

You can answer.

A. Yes.

Q. Especially if that  
03:18:46 misrepresentation of fact concerned Comedy

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M. GANELESS

Central, correct?

A. Yes.

Q. So in Exhibit 18, Mr. Cucci --

03:18:56 sorry, Exhibit 18 is an e-mail thread  
produced to us by Viacom, dated March 1st,  
2007. It bears Bates number VIA00183316  
to 17, and it starts with an e-mail  
message from Mr. Cucci to you,

03:19:15 Ms. Ganeless, and Erik Flanagan at  
9:32 a.m. on March 1, in which he states,  
"On the earnings call Dooley mentioned  
Comedy traffic is up 90 percent since  
YouTube take-down."

03:19:26 Does that refresh your  
recollection about a statement that a  
Viacom senior executive made about the  
correlation between the traffic to  
Viacom's online Comedy site and the  
03:19:36 removal of content from YouTube in  
February 2007?

A. I remember this now.

Q. Okay. You remember that  
Mr. Dooley stated, on an earnings call,  
03:19:46 that Comedy traffic was up 90 percent

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M. GANELESS

since the YouTube take-down on March 1st,  
2007?

MS. KOHLMANN: Objection.

03:19:55 You can answer.

A. What I actually remember is that  
after all of this, we -- it was clarified  
that the 90 percent was -- that John had  
heard it wrong, I believe; although again  
my memory is sketchy. But that that  
90 percent referred to year-over-year  
gains, not -- that's why the number didn't  
look familiar to me, I think.

Q. You don't recall Mr. Dooley  
03:20:24 actually saying that Comedy traffic was up  
90 percent since the YouTube take-down on  
March 1st, 2007?

A. I didn't listen to the earnings  
call, so I was -- I was investigating,  
03:20:38 after John Cucci sent me this e-mail. And  
I remember, the piece I remember is that  
after we did all of the investigating  
that, the 90 percent referred to a  
year-over-year gain.

03:20:53 Q. So if Mr. Dooley had said that

1 M. GANELESS

2 it was up 90 percent since February  
3 2000 -- sorry. If Mr. Dooley had said on  
4 the earnings call that traffic to Viacom's  
5 03:21:05 Comedy sites was up 90 percent from  
6 February 2007 to March 2007, that would  
7 have been a misrepresentation, correct?

8 MS. KOHLMANN: Objection.

9 A. Based on the data here, yes,  
10 03:21:28 that would have been a misrepresentation.

11 Q. And in fact, when you heard that  
12 Mr. Dooley had said that Comedy traffic  
13 was up 90 percent since the YouTube  
14 take-down on March 1st, 2007, you  
15 03:21:39 recognized right away that that number  
16 didn't jibe with any of your internal  
17 data, right?

18 MS. KOHLMANN: Objection as to  
19 form.

20 03:21:46 You can answer.

21 A. Yes, I believe I said here in  
22 the e-mail that number doesn't jibe with  
23 any of our internal data.

24 MR. KRAMER: Let's have this one  
25 03:22:01 marked as 19, please.

1 M. GANELESS

2 (Ganeless Exhibit 19, final  
3 transcript of Viacom's Q4 2006  
4 earnings conference call on March 1,  
5 03:22:30 2007, marked for identification, as  
6 of this date.)

7 THE WITNESS: Thank you.

8 Q. Ms. Ganeless, I'm not going to  
9 ask you to read the whole thing.

10 03:22:24 Exhibit 19 is the final  
11 transcript of Viacom's Q4 2006 earnings  
12 conference call on March 1, 2007 starting  
13 at 8:30 eastern time. And I'd ask you to  
14 turn to page 15 at the bottom, where a  
15 03:22:38 stock analyst named Imran Khan from JP  
16 Morgan is asking Viacom the following  
17 question: "Secondly, you said your  
18 traffic growth was significant, after you  
19 asked YouTube to take out your content. I  
20 03:22:54 was wondering if you can quantify what  
21 kind of video download you are seeing.  
22 Thank you."

23 Did I read that correctly?

24 A. I'm sorry, I wasn't following  
25 03:23:07 along specifically.

1 M. GANELESS

2 Q. At the bottom of page 15, Imran  
3 Khan, an analyst with JP Morgan has some  
4 questions during the earnings call. And  
5 03:23:15 he says, "Secondly, you said that your  
6 traffic growth was significant after you  
7 asked Google to take out your content. I  
8 was wondering if you can quantify what  
9 kind of video download you are seeing.

10 03:23:29 Thank you."

11 Do you see that?

12 A. Yes, I do.

13 Q. Then, if you turn to page 16 of  
14 the March 1st, 2007 transcript, do you see  
15 03:23:38 where Tom Dooley, Viacom's chief financial  
16 and administrative officer states, "In  
17 terms of the kind of growth that we have  
18 experienced on our online sites, Comedy is  
19 up over 90 percent, Nickelodeon is up in  
20 03:23:54 the 30s, and MTV.com was up in the mid-50  
21 percentage growth, as a result -- in the  
22 period after we did the take-down."

23 Do you see that?

24 A. I do.

25 03:24:07 Q. Do you recall discussing, via



1 M. GANELESS

2 e-mail or otherwise, Mr. Dooley's  
3 statement that I just read?

4 A. I remember it from the e-mail  
5 03:24:14 you just showed me.

6 Q. Do you recall whether you  
7 believed Mr. Dooley's statement to be  
8 accurate, the first time you heard it?

9 A. As I just said from the other  
10 03:24:24 e-mail, I did not believe it to be  
11 accurate, because it didn't jibe with any  
12 of the numbers that had I seen.

13 Q. Now, you said that you believed  
14 that Mr. Dooley had been referring to  
15 03:24:34 year-over-year growth, when he said that  
16 Comedy was up over 90 percent. But if you  
17 read the transcript, that's not what he  
18 was saying, right?

19 A. What I believe I testified to  
20 03:24:44 was that I remembered, at the end of our  
21 investigating, that 90 percent was  
22 referring to year-over-year growth. I had  
23 not seen a transcript of the earnings  
24 report, so I didn't know if he had said it  
25 03:24:58 correctly or not.

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M. GANELESS

Q. Well, Mr. Cucci told you that  
Mr. Dooley said that traffic on Viacom's  
Comedy sites was up 90 percent since the  
03:25:09 YouTube take-down. And he said that on  
March 1st, 2007, right?

A. Yes.

Q. So Mr. Cucci accurately reported  
Mr. Dooley's statements on the earnings  
03:25:19 call?

MS. KOHLMANN: I'm going to  
object, if you are suggesting that --

MR. KRAMER: Counsel, no  
speaking objections.

03:25:23 MS. KOHLMANN: I am going to --

MR. KRAMER: No speaking  
objections here counsel. That is  
improper.

03:25:28 MS. KOHLMANN: Do you want the  
record to be inappropriate?

I'm not coaching the witness.

MR. KRAMER: Just object, just  
object. Do not make a speaking  
objection at this point in the  
03:25:36 deposition.

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M. GANELESS

MS. KOHLMANN: I'm entitled to  
object and state that you are  
mischaracterizing what the statement  
on page 15 says.

MR. KRAMER: That's coaching the  
witness.

MS. KOHLMANN: It is not  
coaching the witness.

MR. KRAMER: Do not make  
speaking objections.

MS. KOHLMANN: It is not  
coaching the witness.

Q. Mr. Dooley said that traffic was  
up over 90 percent, after the YouTube  
take-down on Viacom's Comedy sites, right?

MS. KOHLMANN: Objection.

A. In the earnings report that you  
just showed me, Mr. Dooley said, "Comedy  
is up over 90 percent, Nickelodeon is up  
in the 30s, MTV.com was up in the mid-50  
percentage growth as a result -- in the  
period after we did the take-down."

Q. Right. So Mr. Dooley was  
telling analysts on the earnings call that

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M. GANELESS

Viacom's Comedy traffic increased  
90 percent since the YouTube take-down,  
right?

03:26:46 MS. KOHLMANN: Objection.

A. Based on what it says here, it  
looks like he is saying Comedy traffic is  
up 90 percent, since -- in the period  
after we did the take-down.

03:27:11 Q. And that's how Mr. Cucci reports  
it to you in his e-mail, which we looked  
at as Exhibit 18, right?

A. That is correct.

Q. Okay. And you knew that that  
03:27:21 was inaccurate at the time you heard it,  
correct?

A. I knew that I had not seen that  
number before.

Q. You knew that the notion that  
03:27:30 traffic was up 90 percent since the  
YouTube take-down did not jibe with any of  
your internal data, right?

MS. KOHLMANN: Objection.

A. Yes, I knew -- I said in this  
03:27:41 e-mail, the number doesn't jibe with any

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M. GANELESS

of our internal data.

Q. You knew Mr. Dooley's statement  
was false --

03:27:46 MS. KOHLMANN: Objection.

Q. -- right?

MS. KOHLMANN: Objection.

A. I knew that that 90 percent did  
not refer to the number after the YouTube  
03:27:57 take -- the time period after the YouTube  
take-down. I found out that it referred  
to an increase from a year ago.

Q. So you knew that Mr. Dooley, at  
the time he made the statements on the  
03:28:10 earnings call, had made a  
misrepresentation of fact about the growth  
in traffic on Comedy Central since the  
YouTube take-down, right?

MS. KOHLMANN: Objection.

03:28:17 You can answer.

A. I don't know if he was  
misrepresenting it or if he didn't  
understand it. I have no way of knowing  
what he -- why he said that.

03:28:30 Q. So he could have been lying?

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M. GANELESS

MS. KOHLMANN: Objection.

A. I have no reason to believe he was lying.

03:28:35 Q. Didn't you later tell Mr. Flanagan you didn't see how Mr. Dooley's statement could be accurate on any metric?

A. It is possible I said that. I still don't know what Tom Dooley was basing his comments on.

Q. It's possible that you said that, or you did say that?

A. I don't remember exact conversations from that time, but that sounds like something I likely said.

Q. Because you know it's not accurate, Mr. Dooley's statement, on any metric?

03:29:05 A. I remember there being a lengthy investigation about what the 90 percent was and that that 90 percent metric did not jibe with our internal data.

Q. Did you inform any -- well, let's talk about that investigation.

1 M. GANELESS

2 Who was involved in that  
3 investigation?

4 A. I believe it was our research  
5 03:29:24 group. From this e-mail, it was certainly  
6 our research group. That's who I remember  
7 looking into it.

8 Q. Did you inform any Viacom board  
9 members that Mr. Dooley's statement on the  
10 03:29:36 earnings call was untrue?

11 MS. KOHLMANN: Objection.

12 Misstates the record.

13 A. I had no conversations with  
14 Viacom board members.

15 03:29:49 Q. So no, you didn't tell anyone  
16 that you thought Mr. Dooley's statement  
17 was false?

18 A. Again, having not seen -- having  
19 not listened to or seen the transcript, I  
20 03:29:58 only had John Cucci's recollection of what  
21 he said to base it on, so I didn't know if  
22 what John said about what Dooley said was  
23 accurate. I merely looked into that 90  
24 percent number, based on John's question.

25 03:30:09 Q. And after you recognized that

1 M. GANELESS

2 the number didn't jibe with any of your  
3 internal, data did you take any action to  
4 have Mr. Dooley's statement to analysts  
5 03:30:28 corrected?

6 MS. KOHLMANN: Objection,  
7 misstates the record.

8 A. I didn't know exactly what  
9 Mr. Dooley said to the analysts. I only  
10 03:30:34 had John Cucci's recollection.

11 Q. Did you have any reason to doubt  
12 Mr. Cucci's recollection?

13 A. Specific data references, in  
14 earnings calls he makes specific data  
15 03:30:51 references to lots and lots of different  
16 data. I had no idea whether or not -- and  
17 until you showed me this just now, I had  
18 no idea whether it was said correctly in  
19 the earnings call or not said correctly.  
20 03:31:02 I just knew exactly what that 90 percent  
21 meant.

22 Q. Who is Mr. Cucci?

23 A. Cucci is the COO of the MTV  
24 Entertainment group.

25 03:31:09 Q. So if the COO is reporting to



1 M. GANELESS

2 you that Mr. Dooley has just said that  
3 traffic to Comedy sites is up 90 percent  
4 since the YouTube take-down, wouldn't you  
5 03:31:19 take that seriously?

6 MS. KOHLMANN: Objection.

7 A. I take it seriously. I looked  
8 into what that 90 percent referred to, and  
9 I got back to Mr. Cucci.

10 03:31:29 Q. And when Mr. Cucci reported it  
11 to you, did you have any reason to doubt  
12 that Mr. Cucci had reported accurately  
13 what Mr. Dooley had said on the phone, on  
14 the earnings call?

15 03:31:40 A. I remember having a conversation  
16 with John Cucci, saying he must have been  
17 referring to something else, because that  
18 doesn't jibe with our internals. I have a  
19 vague recollection of John saying he was  
20 03:31:51 going to check.

21 I don't know how that all ended  
22 up, other than the 90 percent number  
23 referring to year over year. I don't know  
24 if John misheard on the earnings call. I  
25 03:32:07 never checked back to see the transcript

1 M. GANELESS

2 of the earnings call. All I did was check  
3 to see what that 90 percent meant.

4 Q. Didn't you care about the fact  
5 03:32:17 that a Viacom senior official might have  
6 been making -- didn't you care that a  
7 Viacom senior official was making a  
8 misrepresentation on the earnings call to  
9 stock analysts?

10 03:32:26 MS. KOHLMANN: Objection,  
11 misstates the record.

12 A. I assumed that John Cucci  
13 misheard what Dooley said.

14 Q. Why did you assume that  
15 03:32:35 Mr. Cucci would mishear something that he  
16 reported to you and asked you to  
17 investigate?

18 MS. KOHLMANN: Objection.

19 A. I can't remember exactly why.  
20 03:32:50 But I assumed John was listening to that  
21 earnings call in the course of the day;  
22 and when he heard that, it didn't jibe,  
23 and so we looked into exactly why -- what  
24 that 90 percent was referring to.

25 03:33:02 I don't know if John followed up

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M. GANELESS

with, with any of the board members.

Q. Did you follow up with any of  
the board members about the statement that  
03:33:11 you believed Mr. Dooley had made on the  
earnings call?

MS. KOHLMANN: Objection.

A. I didn't know exactly what  
Mr. Dooley said on the earnings call. I  
03:33:17 only had John Cucci's recollection.

Q. So based on John Cucci's  
recollection, you knew -- sorry.

Based on what John Cucci  
reported to you, you believed there was a  
03:33:27 misrepresentation that was made on the  
Viacom's earnings call by Mr. Dooley,  
right?

MS. KOHLMANN: Objection.

Misstates the record.

A. I did not say that. I said I  
believed that he must have -- that Tom  
Dooley must have been referring to a  
different metric, when he said 90 percent.

Now that you have shown me the  
03:33:49 record, I know that to be false.

1 M. GANELESS

2 Q. Do you -- go ahead.

3 A. I didn't look at the transcript.

4 Q. Why not?

5 03:33:57 A. Not enough time in the day.

6 Q. Not enough time in the day to

7 address the fact that a Viacom senior

8 official may have been misrepresenting a

9 fact, in response to an analyst's question

10 03:34:07 on an earnings call?

11 MS. KOHLMANN: Objection.

12 A. No.

13 Q. Don't you think that should be a

14 priority?

15 03:34:13 MS. KOHLMANN: Objection.

16 A. In my day-to-day, the priority

17 is getting the best shows up on the air

18 and the many people as possible to watch

19 them.

20 03:34:21 Q. Well, you had enough time to

21 exchange a number of e-mails about that

22 representation by Mr. Dooley that day,

23 right?

24 A. I absolutely had time to make a

25 03:34:33 number of e-mail exchanges.

1 M. GANELESS

2 I assumed the transcript of the  
3 earnings call would be quite long and  
4 so -- not in the habit of getting a  
5 03:34:41 transcript of earnings calls.

6 Q. So if all the information you  
7 had was Mr. Cucci's representation about  
8 what Mr. Dooley had said, and you knew  
9 that number didn't jibe with any of your  
10 03:34:59 internal data, what did you do to ensure  
11 that there was a correction?

12 MS. KOHLMANN: Other than what  
13 she's already testified to.

14 MR. KRAMER: Which is nothing.

15 03:35:11 MS. KOHLMANN: No, that  
16 misstates the record.

17 A. What I did was let John Cucci  
18 know and Colleen Fahey-Rush, who is the  
19 vice president of research for MTV  
20 03:35:22 Networks. I let them know that that  
21 number didn't jibe with any numbers that I  
22 had. I asked them to investigate it.

23 We discovered that that 90  
24 percent represented a year-over-year  
25 03:35:35 growth, and that was the end of my

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M. GANELESS

involvement in it.

Q. You're sure?

A. That's my recollection.

03:35:43 Q. You responded to Mr. Cucci as if  
his report was accurate, right?

MS. KOHLMANN: Objection.

A. I don't remember how I responded  
to Mr. Cucci. I just forwarded it on to  
03:35:56 the research group to say, can you find  
out how that number was compiled.

MR. KRAMER: Let's have this one  
marked as 23.

(Ganeless Exhibit 20, e-mail  
03:37:32 thread, bearing Bates number  
VIA00225061, marked for  
identification, as of this date.)

MR. KRAMER: I'm sorry, what  
number are we up to? 20.

03:37:09 THE WITNESS: Thank you.

Q. Ms. Ganeless, Exhibit 20 starts  
with the same message from Mr. Cucci, and  
your message follows. Then there's some  
back and forth between you and others at  
03:37:22 Viacom concerning the original message

1 M. GANELESS

2 from Mr. Cucci. It's a document produced  
3 to us by Viacom, bearing Bates number  
4 VIA00225061.

5 03:37:38 Do you see on March 1, 2007, at  
6 10:04 a.m., you say to Mr. Flanagan, "We  
7 will probably never know, but I don't see  
8 how that can be accurate on any metric."  
9 Right?

10 03:37:51 A. Yes.

11 Q. What you were saying is you  
12 don't see how Mr. Dooley could report  
13 accurately that traffic is up 90 percent  
14 since the YouTube take-down on Viacom's  
15 03:38:03 Comedy sites?

16 MS. KOHLMANN: Objection.

17 A. What I was saying is that  
18 90 percent didn't reflect any of the data  
19 that I had. I later found out it  
20 03:38:14 reflected a year-over-year growth.

21 Q. But Mr. Dooley wasn't talking  
22 about year-over-year growth, and no one  
23 was talking about year-over-year growth  
24 here. What we were talking -- what

25 03:38:25 Mr. Dooley was talking about, and what